

**\*E-FILED - 4/7/10\***

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNIVERSAL GRADING SERVICE, JOHN  
CALLANDRELLO, JOSEPH KOMITO and  
VADIM KIRICHENKO, individually and on  
behalf of others similarly situated,

Plaintiffs,

v.

eBAY, INC., a foreign corporation,  
AMERICAN NUMISMATIC  
ASSOCIATION, a foreign non-profit  
association, and PROFESSIONAL  
NUMISMATISTS GUILD, INC., a foreign  
corporation, BARRY STUPLER &  
COMPANY, LLC.,

Defendants.

Case No. C 09 02755 RMW (HRL)

**STIPULATION FOR PLAINTIFFS TO FILE  
THIRD AMENDED COMPLAINT, SETTING  
BRIEFING SCHEDULE FOR MOTIONS TO  
DISMISS, AND SETTING NEW CASE  
MANAGEMENT CONFERENCE DATE**

1 Plaintiffs Universal Grading Service, John Callandrello, Joseph Komito, and Vadim  
2 Kirichenko (“Plaintiffs”), on the one hand, and Defendants eBay Inc. (“eBay”) and Professional  
3 Numismatists Guild, Inc. (“PNG”) (collectively “Defendants”), on the other hand, by and through  
4 their undersigned counsel, stipulate as follows:

5 WHEREAS, Plaintiffs desire to file a Third Amended Complaint;

6 WHEREAS, Defendants eBay and PNG did not oppose Plaintiffs request to file a Third  
7 Amended Complaint, but defendant American Numismatic Association (“ANA”) did;

8 WHEREAS, on January 22, 2010, Plaintiffs filed their Motion for Leave to File a Third  
9 Amended Complaint (Docket #108), which was set for hearing on April 9;

10 WHEREAS, on February 19, 2010, ANA filed an opposition to Plaintiffs’ Motion for  
11 Leave to File a Third Amended Complaint (Docket #113);

12 WHEREAS, on or about March 12, 2010, Plaintiffs and ANA reached a settlement of  
13 their dispute, and on March 15, ANA withdrew their Opposition to Plaintiffs’ Motion for Leave  
14 to File a Third Amended Complaint (Docket #119);

15 WHEREAS, on March 16, Plaintiffs withdrew their Motion for Leave to Amend to File a  
16 Third Amended Complaint (Docket # 120);

17 WHEREAS, defendants eBay and PNG intend to file motions to dismiss attacking  
18 some/all of the claims asserted in Plaintiffs’ proposed Third Amended Complaint;

19 WHEREAS, the Court set a Case Management Conference for April 9, the same date  
20 Plaintiffs’ Motion for Leave to File a Third Amended Complaint was set for hearing (Docket  
21 #118);

22 WHEREAS, for the convenience of the Court and the parties, to avoid unnecessary  
23 motion practice and to streamline relevant dates;

24 NOW, THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the  
25 Parties as follows:

26 1. Plaintiffs’ proposed Third Amended Complaint, which was previously filed as  
27 Docket #110 as part of Plaintiffs’ Motion for Leave to File a Third Amended Complaint, is  
28 deemed to be the operative complaint in this Action.

2. Defendants shall file their respective motions to dismiss on or before May 14, 2010.

4. Plaintiffs shall file their Oppositions to Defendants' respective motions to dismiss on or before July 1, 2010.

5. Defendants shall file their replies in support of their motions to dismiss on or before July 23, 2010.

6. Defendants' motions to dismiss shall be heard on August 13, 2010 at 9:00 a.m.

7. A Case Management Conference shall take place on August 13, 2010 at 10:30 a.m. in the same Court.

8. The parties shall file a Revised Case Management Statement on or before August 6, 2010.

Dated: March 29, 2010

MARINA TRUBITSKY & ASSOCIATES  
MARINA TRUBITSKY (PRO HAC VICE TO BE  
FILED)

BY: s/ Marina Trubitsky  
MARINA TRUBITSKY

Attorneys for Plaintiffs Universal Grading Service,  
John Callandrello, Joseph Komito, and Vadim  
Kirichenko

Dated: March 29, 2010

COOLEY GODWARD KRONISH LLP  
MICHAEL G. RHODES (116127)  
BENJAMIN F. CHAPMAN (234436)

BY: s/ Benjamin F. Chapman  
BENJAMIN F. CHAPMAN (234436)

Attorneys for Defendant eBay Inc.

1 Dated: March 29, 2010

COLE, SCOTT & KISSANE  
ROBERT O'QUINN (PRO HAC VICE TO BE  
FILED)

3 BY: s/ Robert O'Quinn  
ROBERT O'QUINN

Attorneys for Defendant Professional Numismatic  
Guild, Inc.

6 **THE FOREGOING STIPULATION IS APPROVED AND IS SO ORDERED.**

7 DATED: 4/7/10

*Ronald M. Whyte*  
United States District Court Judge